

PUBLIC INFORMATION COLLECTIONS AND REPORTS PROCEDURES

- 1.** This attachment provides the necessary procedures for establishing, revising, and canceling United States Transportation Command (USTRANSCOM) information collections from ten or more members of the public, and the guidelines for preparing and submitting Office of Management and Budget (OMB) Form 83-I, *Paperwork Reduction Act Submission*, in compliance with Public Law 104-13, *The Paperwork Reduction Act of 1995*.
- 2.** OMB approval is needed to collect information from ten or more members of the public, unless the collection is exempt. For the purpose of this instruction, members of the public are individuals, partnerships, associations, corporations (including operations of government-owned contractor-operated facilities), business trusts, legal representatives, organized groups of individuals, states, territories, or local governments, or components thereof. Current employees of the Federal government are not members of the public for purposes of the collection of information within the scope of their employment. Military reservists and members of the National Guard are considered Federal employees when on active duty, and for purposes of obtaining information about duty status. Retired and other former Federal employees are members of the public except when military retirees are surveyed under Section 804 of the Fiscal Year 1986 Defense Authorization Act.
- 3.** The Paperwork Reduction Act of 1995 exempts the following agencies from licensing public information collections:
 - 3.1.** The Federal Election Commission.
 - 3.2.** All Congressional and Judicial agencies.
 - 3.3.** The General Accounting Office.
 - 3.4.** Governments of the District of Columbia, and territories and possessions of the United States.
 - 3.5.** Government-owned but contractor-operated facilities and production operations.
- 4.** The USTRANSCOM Freedom of Information Act, Privacy Act, and Reports Management Division, Office of Information Management (TCIM-F) will respond to the annual call for projected Information Collections Budgets and submit to the Air Force Communications and Information Center, Information Technology Investment Division, Analysis Branch (AFCIC/ITIA).

5. The Directorate/Direct Reporting Element (DRE) that requires or will utilize the information collection is designated the office of primary responsibility (OPR) and will submit the request to TCIM-F. The following steps are required for OMB approval of public information collections. (Allow at least six months to process a request for OMB approval.)

5.1. The Paperwork Reduction Act of 1995 requires two notices in the Federal Register. The first Federal Register Notice (FRN) must be published at least 60 days before the Paperwork Reduction Act submission. OPR prepares first notice and submits to TCIM-F, who forwards to AFCIC/ITIA for publishing. The FRN is the means by which the public is notified of pending information collections. The notice is published in the Federal Register and the public has 60 days from the date of publication to comment. It is typed double-spaced, with one-inch margins. Seven notices (original and six copies) are forwarded. (See Attachment 7 for guidelines and sample FRN.)

5.2. After the 60-days, OPR will prepare five copies of OMB Form 83-I, *Paperwork Reduction Act Submission*, package and forward to TCIM-F for review. TCIM-F will forward an original and four copies of the OMB Form 83-I package, including comments from the 60-day notice, to AFCIC/ITIA. After review, AFCIC/ITIA will forward the package and the second FRN to the Department of Defense Clearance Officer. The OMB Form 83-I package contains the following:

5.2.1. Completed OMB Form 83-I (see Attachment 8 for instructions and sample form.)

5.2.2. Supporting Statement. (See Attachment 9 for guidance and sample statements.) ***NOTE: Item 13A of Attachment 9. Include only those total capital and start up costs incurred after 1 October 1995. Additionally, incorporate the comments received from the Federal Register announcement and actions taken in this statement. If there are a lot of comments, they can be addressed in a separate paper.***

5.2.3. Copy of the draft instrument of collection.

5.2.3.1. If the instrument of collection is a form, the USTRANSCOM Publications and Forms Division, Office of Information Management (TCIM-P) will prepare final draft in FormFlow.

5.2.3.2. If the instrument of collection is not a form, contact TCIM-F for instructions on how to display OMB control data and Agency Disclosure Notice (ADN). (See Attachment 10 for instructions and sample ADN.)

5.2.4. Title page and pertinent section of regulatory or statutory authorities (i.e., first page of instruction and prescribing paragraph).

5.2.5. Copy of the 60-day Federal Register announcement, published by SAF/AA.

5.3. The DoD Clearance Officer at Washington Headquarters Services, Directorate for Information Operations and Reports (WHS/DIOR) reviews all DoD requests and forwards to OMB the FRN, including comments from 60-day notice, to the Federal Register where the notice is published for 30 days. The DoD Clearance Officer reviews each OMB Form 83-I package against the Federal Information Locator System (FILS) to determine if a duplicate information collection exists; for compliance with the Privacy Act of 1974 as required by DoD 5400.11-R; to ensure that any format, document, or computer screen requiring fill-in data with an annual usage of 100 or more is controlled as a form; and for compliance with existing DoD standard data elements and codes as published in DoD 5000.12-M of which the Federal Information Processing Standard (FIPS) has been incorporated. The following elements, carefully scrutinized by AFCIC/ITIA and OMB, are key to an approved package.

5.3.1. Practical Utility. The supporting statement must describe the agency's need for the information, as well as its ability to use it.

5.3.2. Elimination of Duplication. The supporting statement must show that information proposed to be collected does not duplicate information already being collected or available elsewhere in the Federal government.

5.3.3. Burden Estimates. The supporting statement must include a thorough explanation of how the burden estimates were derived. Burden is the time, effort, or financial resources expended by the public to provide information to the Federal government.

6. Cancellations. Directorates/DREs may cancel an information collection approved by OMB by forwarding in writing a cancellation notice to AFCIC/ITIA and the DoD Clearance Officer through TCIM-F.

7. The following public information collections are exempt:

7.1. Affidavits, oaths, affirmations, certification, receipts, changes of address, consents, or acknowledgments, provided they entail no burden other than that necessary to identify the respondent.

7.2. Samples of products or of any other physical objects.

7.3. Facts or opinions obtained by direct observation.

7.4. Facts or opinions submitted in response to general solicitations of comments from the general public.

7.5. Information from individuals under treatment or clinical examination in connection with research.

7.6. Facts or opinions requested from a single person.

7.7. Examinations designed to test the aptitude, abilities, or knowledge of the persons tested and the collection of information for identification with such examinations.

7.8. Facts or opinions obtained or solicited at or in connection with public hearings or meetings.

7.9. Information solicited through non-standard follow-up questions designed to clarify responses to approved collections of information.

7.10. Like items so designed by OMB.

7.11. Collections of information from Federal employees within the scope of their employment.

7.12. Information collection surveys, in the context of Section 804 of the Fiscal Year 1986 Defense Authorization Act, from members of the Armed Forces serving on active duty, members of their families, and retired members of the Armed Forces.

7.13. Information collections addressed to nine or fewer persons.

7.14. Collections of information conducted by compulsory process.

7.15. Collections of information during the conduct of intelligence activities.

7.16. Collections of information during the conduct of Federal criminal, civil, or administrative action with respect to a specific party.

8. OMB has approved certain public information collections requested from Federal contractors. Acquisition- and procurement-related information collections flow through Air Force acquisition channels for licensing when requests are in connection with specific sections in the Federal Acquisition Regulation (FAR), the Defense Acquisition Regulation, specific sections of the Air Force Supplement to the FAR and subordinate agency clauses to these regulations, and data item description prescribed in contracts.